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| PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) | | Docket Number (Optional) CEA-004.01 |
| First named inventor: Alberte R.S. et al. | | |
| Application No.: 09/405,269 | | Group Art Unit: 1774 |
| Filed: September 23, 1999 | | Examiner: Yamnitzky, M. |
| Title: Safe and Effective Biofilm Inhibitory Compounds and Health-Related Uses Thereof | | |
| Commissioner for Patents Mail Stop Petition P.O. Box 1450 Alexandria, VA 22313-1450 | | |
| NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703)305-9282. | | |
| The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained. | | |
| APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION | | |
| NOTE: A grantable petition requires the following items: | | |
| <ul style="list-style-type: none">(1) Petition fee;(2) Reply and/or issue fee;(3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and(4) Statement that the entire delay was unintentional. | | |
| 1. Petition fee | | |
| <input checked="" type="checkbox"/> Small entity - fee \$650.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. | | |
| <input type="checkbox"/> Other than small entity - fee \$_____ (37 CFR 1.17(m)) | | |
| 2. Reply and/or fee | | |
| A. The reply and/or fee to the above-noted Office action in the form of <u>Amendment and Response to Office Action dated Sept. 25, 2001</u> (identify type of reply): | | |
| <input type="checkbox"/> has been filed previously on _____. | | |
| <input checked="" type="checkbox"/> is enclosed herewith. | | |
| B. The issue fee of \$ _____ | | |
| <input type="checkbox"/> has been paid previously on _____. | | |
| <input type="checkbox"/> is enclosed herewith. | | |

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

June 2, 2003

Date



Signature

Telephone
Number: (617) 832-1000

Beth E. Arnold

Typed or printed name

Foley Hoag LLP

Address

155 Seaport Boulevard Boston, MA 02210

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]

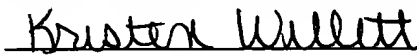
I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Mail Stop Petition, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

June 2, 2003

Date



Signature

Kristen Willett

Typed or printed name of person signing certificate